

REMARKS

Applicant respectfully requests entry of the amendments and remarks submitted herein. Claims 1 has been amended to incorporate the camouflage patterns of claim 9, and claim 12 has been amended to be an independent claim. Applicant submits that the amendments to claims 1 and 12 are not to be considered limiting amendments; the amendment to claim 1 is a clarifying amendment and the amendment to claim 12 simply is to make claim 12 an independent claim. In view of the amendment to claim 1, claim 9 has been canceled without prejudice to continued prosecution.

Claims 1-8 and 10-13 are currently pending and claims 14-24 are withdrawn. Reconsideration of the pending application is respectfully requested.

The 35 U.S.C. §102 Rejections

Claims 1-6, 9, 10, and 13 stand rejected under 35 U.S.C. §102(b) as being anticipated by Huber et al. (U.S Patent No. 5,066,529) for reasons of record. Applicant respectfully traverses this rejection with respect to the pending claims.

Applicant maintains the arguments from the March 16, 2006 Response to Office Action regarding the fact that Huber et al. is directed toward a tape, which is different that a self-adherent wrap as is recited in the pending claims. In addition, however, Huber et al. teaches a camouflage pattern in which "the directional tendency of the elongated patterns or items appear to be aligned with the long axis of the article" (column 2, lines 36-38) According to Huber et al., "the critical characteristic is that the apparent directionality of the shapes or pattern generally appears to be at an angle of between 15° and 80° to the long edge of the tape" (column 2, lines 20-26).

Applicant has amended claim 1 to recite the particular camouflage patterns from original claim 9 (e.g., palmetto, treebark, hardwoods, hardwoods snow, timber, wetlands, mossy oak, forest floor, shadowgrass, fall foliage, breakup, and mottled). The camouflage patterns now recited in claim 1 are not angularly disposed patterns, and Huber et al. does not teach or suggest using a camouflage pattern that is not angularly disposed. In fact, Huber et al. teaches that the

angularly disposed pattern is critical to their tape. Therefore, irrespective of the material upon which the camouflage pattern is applied, Huber et al. does not anticipate the wrap of claim 1 as amended. In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claims 1-6, 9, 10, and 13 under 35 U.S.C. §102(b) be withdrawn.

Claims 1-6, 9, 10, and 13 stand rejected under 35 U.S.C. §102(e) as being anticipated by Mullis (US 2002/0083507) for reasons of record. Applicant respectfully traverses this rejection with respect to the pending claims.

Applicant submits that Mullis is not relevant to the pending claims. The application of Mullis is directed toward an arm *band*, while the present invention is directed toward a *wrap*. According to their ordinary meanings, 'band' refers to "a thin flat encircling strip" while 'wrap' refers to a length of material that is "wound or coiled so as to encircle or cover something" (see, for example, Merriam-Webster Online at www.m-w.com). Therefore, a band as disclosed by Mullis does not anticipate a wrap as claimed herein. In view of the remarks herein, Applicant respectfully requests that the rejection of claims 1-6, 9, 10, and 13 under 35 U.S.C. §102(e) be withdrawn.

The 35 U.S.C. §103 Rejections

Claim 11 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al. or Mullis in view of Lee (U.S. Patent No. 4,792,471) or Crawford (U.S. Patent No. 4,517,230) for reasons of record. This rejection is respectfully traversed.

Applicant submits that the claimed invention is not obvious in view of the cited references. Instead, it is Applicant's own disclosure that the Examiner is employing to reach the claimed invention. It is impermissible to use hindsight based on the Applicants disclosure to argue that the claimed invention is obvious. *In re Gorman*, 933 F.3d 982, 987, 18 USPQ2d 1885 (Fed. Cir. 1991). "The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *Id.* The Examiner is respectfully reminded that any teaching or suggestion of obviousness must be found in the cited art, and that it is impermissible to use the Applicant's own disclosure to provide the basis for a *prima facie* case of

obviousness. *In re Dow Chemical Co.*, 837 F2d 469, 472-473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

Claim 11 is directed toward a three-dimensional camouflage pattern. Applicant has amended claim 1, from which claim 11 depends, to distinguish the claimed wrap from the disclosure of Huber et al. In addition, the remarks above distinguish the pending claims directed toward a self-adherent wrap from the arm band of Mullis. Lee and Crawford are directed toward camouflage coverings that exhibit a three-dimensional appearance, but Lee and Crawford do not cure the deficiencies of Huber et al. and Mullis. That is, neither Lee nor Crawford teach or suggest a self-adherent wrap having a three-dimensional camouflage pattern applied thereon. In view of the amendments to claim 1 as well as the remarks herein, Applicant respectfully requests that the rejection of claim 11 under 35 U.S.C. §103(a) be withdrawn.

Claims 7 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al in view of Bylund et al (U.S. Patent No. 5,486,385) for reasons of record. Applicant respectfully traverses this rejection with respect to the claims as amended.

Applicant submits that the claimed invention is not obvious in view of the cited references. Instead, it is Applicant's own disclosure that the Examiner is employing to reach the claimed invention. It is impermissible to use hindsight based on the Applicants disclosure to argue that the claimed invention is obvious. *In re Gorman*, 933 F.3d 982, 987, 18 USPQ2d 1885 (Fed. Cir. 1991). "The references themselves must provide some teaching whereby the applicant's combination would have been obvious." *Id.* The Examiner is respectfully reminded that any teaching or suggestion of obviousness must be found in the cited art, and that it is impermissible to use the Applicant's own disclosure to provide the basis for a *prima facie* case of obviousness. *In re Dow Chemical Co.*, 837 F2d 469, 472-473, 5 USPQ2d 1529, 1531 (Fed. Cir. 1988).

Claims 7 and 8 are directed toward a wrap having a camouflage pattern (e.g., a different camouflage pattern) printed on each side. Claims 7 and 8 depend, either directly or indirectly, from claim 1, and, as indicated above, Applicant has amended claim 1 to distinguish the claimed wrap from the tape of Huber et al. Bylund et al. discloses a camouflage fabric made in a particular fashion such that the fabric has a three-dimensional look and discloses that the material

can have a different pattern on each side, but Bylund et al. does not cure the deficiencies of Huber et al. That is, Bylund et al. does not teach or suggest a self-adherent wrap having a three-dimensional camouflage pattern applied thereon to one or both sides. In view of the amendments to claim 1 as well as the remarks herein, Applicant respectfully requests that the rejection of claims 7 and 8 under 35 U.S.C. §103(a) be withdrawn.

Claim 12 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Huber et al. in view of Hamilton (U.S. Patent No. 5,010,589) for reasons of record. Applicant notes that claim 12 has been made independent herein. Applicant respectfully traverses this rejection.

Claim 12 is directed toward a camouflage self-adherent wrap having a substance impregnated therein, whereas Hamilton is directed toward a removeable fringe for clothing onto which scents or lures can be applied. As indicated above, claim 1 has been amended to distinguish the claimed wrap from the tape of Huber et al., and Hamilton does not cure the deficiencies of Huber et al. That is, Hamilton does not teach or suggest a self-adherent camouflage wrap having one or more substances impregnated thereon.

Applicant notes that the substances recited in claim 12 not only include compounds having an odor but also include compounds such as silicone, compounds that provide an anti-UV coating, compounds that provide an anti-UV coating, compounds that provide an infra-red detection deterrent coating, compounds that block odors, insect repellent, anti-fungal compounds, and/or anti-bacterial compounds. Hamilton does not teach or suggest that the fringe can be impregnated with anything other than scents. In view of the amendments and remarks herein, Applicant respectfully requests that the rejection of claim 12 under 35 U.S.C. §103(a) be withdrawn.

Request for Rejoinder

Claims 14-24 were withdrawn as directed to non-elected inventions following Restriction and the September 28, 2005 telephone election. The claims of Group II (claims 14-20) were drawn to a method of using a camouflage wrap and the claims of Group III (claims 21-24) were drawn to a method of making a camouflage wrap. Since elected claims 1-8 and 10-13 drawn to a camouflage wrap should be allowable in view of the amendments and remarks herein, Applicant

respectfully requests rejoinder of claims 14-24 directed to the process of making and the process of using the camouflage wrap of claim 1. This request for rejoinder is being made pursuant to MPEP §821.04(b).

CONCLUSION

Applicant respectfully requests allowance of claims 1-8 and 10-24. Please apply the required fee of \$455 (\$395 for the Request for Continued Examination fee and \$60 for the Petition for Extension of Time fee) and any other charges or credits to Deposit Account No. 06-1050.

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Respectfully submitted,

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